

never will. The amendment to the constitution they say, does not apply to the present case, but to a trial. We do not mean to force this point, although ample authority might be produced in support of it. You, sir, will certainly do what is right in the present motion, this we do not mean to doubt; but you will give me leave to ask, what your situation would be, in what a deplorable dilemma we should be placed, if at the instant the attorney was pressing us with his testimony, we had to supplicate your honors to grant us the purport of the motion now in question; and if the trial could not be postponed, which in all probability it would not, we must go to a final decision without it. In that case, even were the sun of innocence ready to shed his beams upon us, we would be cast into utter darkness. No, sir, such can never be the opinion of this court; justice must be changed; law must be changed; nature must be changed, before such sentiments can be heard. I won't trouble you much farther with discussing the propriety of our application, feeling the confidence with which I am certain it is regarded by the court; but I will come directly to the consideration of what are the real points in discussion.

This is not whether a President can be summoned. That part is happily conceded, and I rejoice that we mistook in the commencement of the argument, the sentiments of the Attorney on the part of the prosecution on this point. I rejoice I say, that I did mistake him; because from that very concession, I will draw every corollary that may be necessary for establishing the great point for which we contend. By admitting that the President of the United States can be summoned, a great canon of evidence is admitted. I must, however, be excused by the worthy gentlemen, if I tell them they are a little inconsistent. In throwing obstacles in our way against obtaining the papers for which we have moved the Court to issue a subpoena, they impute that bad example, which they have imputed to us. What is the nature of the evidence we do ask? We ask for that sort of evidence which may enable us to confront James Wilkinson with himself. There is not an idea beyond this. We wish to show that James Wilkinson in his official capacity as commander of the army of the United States at New-Orleans, is not the same with James Wilkinson the correspondent of the President. We wish to prove that James Wilkinson has varied from himself, and that he has varied in most essential points in the greatest degree. Mr. Hay tells us, that every thing depends upon this same James Wilkinson, that he is in reality the Alpha and Omega of the present prosecution. He is in short to support by his deposition the sing-song & the ballads of treason and conspiracy, which he have heard delivered from one extremity of the continent to the other. The funeral pile of the prosecution, is already prepared by the hands of the public Attorney, and nothing is wanting to kindle the fatal blaze, but the torch of James Wilkinson. He is to exhibit himself in a most conspicuous point of view in the tragedy which is fancied will take place. He James Wilkinson, is to officiate as the High Priest of this human sacrifice.

Of James Wilkinson we are not afraid in whatever form he may be produced, in whatever shape he may appear before this court. We are only afraid of those effects which desperation may produce in his mind. Desperation, please the Court, is a word of great fitness in the present case. General Wilkinson we behold first acting as a conspirator to ensnare others, afterwards as a patriot to betray others from motives of patriotism. What must be the embarrassment of this man when the awful catastrophe arrives, that he must either substantiate his own innocence by the conviction of another, or be himself regarded as a traitor and conspirator in the event of the acquittal of the accused. (Remainder of Mr. Randolph's speech in our next.)

A sketch of the most important recent proceedings.

SATURDAY, June 13th. 1807.
Col. Burr said, he hoped the court had perused the instructions, which he had wished them to give to the grand jury; and, if they were satisfied with the truth of the points for which he contended, would immediately communicate them. If doubts were entertained by the court, his counsel were ready to demonstrate their correctness.

The Chief Justice observed, that the court had prepared a supplemental charge to the grand jury; but that this morning had been devoted to preparing another opinion; that the charge had been put into the possession of the Attorney for the U. S. but so shortly before the sitting of the court, that he had not had time to show it to the counsel on the other side; that the finding of the grand jury would necessarily be postponed until after Monday; that, in the mean time, there might be an interchange of communications, and the charge might be delivered on that day.

Col. Burr and his counsel wished the supplemental charge to be delivered to the grand jury before they proceeded any farther in examining the witnesses; alleging that they could send no evidence to the grand jury; that that body ought to be possessed of the principles according to which their enquiry was to be conducted, before they commenced it; and that the supplemental charge would suggest to them the proper questions to be put to the witnesses.

The Chief Justice answered that the charge could not prevent the witnesses from being examined; and that no inconvenience could result from that examination; since the charge, being subsequently given, would instruct the grand jury as to the conclusions proper to be drawn from the testimony. He mentioned that a charge to a petit jury was always pronounced after all the evidence had been gone through.

Mr. Randolph observed there was a difference between a grand and petit jury; that when evidence was introduced before the petit jury, the court could see the whole ground of enquiry, and prevent any thing improper; but it could not, in the present instance, in any other way than by means of the supplemental charge.

The Chief Justice said the court had already gone far enough; the nature of the crime of Treason had been fully explained to the grand jury; that it must consist in levying war against the U. S., and in overt acts; that suspicions, intentions, and projected enterprises were not sufficient proof that Treason had actually been committed; but that some overt act must be proved. He declared therefore the difficulty was more imaginary than real.

He then delivered his opinion on the motion for a Subpoena Duces Tecum; for which see the last and present Argus.

On this day the following witnesses were called on the part of the U. S. viz:—Commodore Thomas Truxton, Gen. Eaton, Capt. Stephen Decatur, William Duane, Benjamin Stoddert, formerly Secretary of the Navy, Major Nicholas Perkins, who arrested Col. Burr, Edward P. Gaines, Commandant at Fort Stoddert, John Graham, Secretary of the Orleans Territory, Sergeant Jacob Dunbaugh, whose affidavit was before rejected as not sufficiently certified, Erick Bollman, Samuel Swartwout, Julien Dupestre, James Miller, Samuel Scouten, George Morgan, John Morgan, Thomas Morgan, Robert Spence, George Harris, Cyrus Jones, Thomas Peterkin, Simeon Poole, Dudley Woodbridge, Edmund B. Dana, James Read, Charles Willie, (said to be Col. Burr's private secretary), P. H. M. Prevost, John G. Henderson, Hugh Phelps, Alexander Henderson, David C. Wallace, Ambrose Smith, Charles Lindsey, John Marshall, James Knox, William Love, David Fisk, Thomas Hearty, Stephen S. Welch, James Kinney, Samuel Moxley, A. D. Smith, Elias Glover, Peter Taylor and Jacob Albright. Gen. Wilkinson, having just arrived in town, and being much fatigued, was not called.

Before Doct. Erick Bollman was sworn, Mr. Hay informed the court that that gentleman had made a full disclosure to the government; in consequence whereof a pardon had been issued in his favor; that he had received it from himself in a hesitating manner, saying "he wished to consult his friends or counsel concerning it;" that he had returned it to him, declaring that he would neither accept nor reject it. Mr. Hay said that, in his opinion, Doct. Bollman, whether pardoned or not, was a competent witness; but that he would offer him his pardon in the presence of the court. Mr. Hay then tendered him the instrument of pardon, signed by the President, with the great seal of the U. S. affixed. Doct. Bollman refused to accept it; and Mr. Hay delivered it to the Clerk to be kept for his benefit.

Mr. Martin said that Doct. Bollman's reason for refusing to say, whether he would accept or reject the pardon, was that he might have the pleasure of rejecting it publicly; that he was perfectly innocent, and did not choose to acknowledge that he had done any thing for which a pardon was necessary.

Doct. Bollman was sworn as a witness; after which a considerable debate ensued, whether he ought to be compelled to answer any questions which might criminate himself; and also, whether he was to be considered as pardoned or not.

Mr. Hay wished the circumstance of his having been pardoned to be noted by the clerk on the back of the indictment; but, after some dispute, it was agreed to send him up to the grand jury without it.

Mr. Williams, as counsel for Dr. Bollman, contended that, whether pardoned or not, he was not bound to answer questions which might criminate him; & cited 1 McNally 256, 2 State Trials 822, 3 State Trials 439. He insisted also that the pardon was ineffectual, as it had not been accepted, and pleaded. In this he was supported by Mr. Martin, who cited 5 B. & C. 293, 2 Hawk. c. 37, § 58, 59, & 65. Mr. Williams also said that, if Dr. Bollman was to answer a question tending to criminate himself, the grand jury might find a bill of indictment against him upon it; that if a by-stander sworn, and say any thing proving his own guilt, it may be used against him (see 2 Doug. p. 598.) He said too, the witness was to be his own judge whether to answer a question, (which he conceived would criminate him,) or not; see 1 McNally 257, 258.

Nothing conclusive took place, and, after a variety of desultory conversation, the court adjourned.

MONDAY, June 15.

Some observations were made about the form of the oath administered to the witnesses; which, at length, was agreed to be proper.

The counsel for Col. Burr raised a difficulty about papers which might be laid before the grand jury by persons examined by them as witnesses; and wished the grand jury not to receive any papers but through the court.

After a long and interesting debate, an instruction was sent to the grand jury, to the following purport; that papers, which were referred to by any witness, in the course of giving in his evidence, for the purpose of explaining it, and which were proved to have been written by Col. Burr, or by his directions, were admissible as evidence.

Mr. Hay then produced a letter, partly in the Dutch language, and partly in cypher; and called Mr. Willie, the secretary of Col. Burr, to prove it was written by his directions; observing, that he could afterwards have it decyphered by Dr. Bollman; that it was directed to Henry Wyndburne, but intended for Erick Bollman; and contained, as he had reason to believe, very important testimony.

A variety of curious conversation and some extraordinary circumstances (all of which shall be fully published hereafter) occurred on this occasion.

Mr. Willie refused to answer a question, "whether he understood the contents of the letter?" declaring that his answer might tend to criminate himself in a certain event.

Mr. Williams, (his counsel,) contended that he ought not to be compelled to answer the question, but was himself to be sole judge, whether it might, by possibility, tend to criminate him or not. In this he was vehemently supported by the counsel for Col. Burr.

TUESDAY, June 16.
Mr. Hay read to the court the following letter to him from the President of the United States:

WASHINGTON, June 12, '07.

SIR,

Your letter of the 9th is this moment received. Reserving the necessary right of the President of the U. S. to decide, independent of all other authority, what papers, coming to him as President, the public interest permit to be communicated, and to whom, I assure you of my readiness, under that restriction, voluntarily to furnish on all occasions whatever the purposes of justice may require. But the letter of Gen. Wilkinson of Oct. 21, requested for the defence of Col. Burr, with every other paper relating to the charges against him, which were in my possession when the attorney general went on to Richmond in March, I then delivered to him; and I have always taken for granted he left the whole with you. If he did, and the bundle

retains the order in which I had arranged it, you will readily find the letter desired under the date of its receipt, which was November 25; but lest the attorney general should not have left those papers with you I this day write to him to forward this one by post. An uncertainty whether he is at Philadelphia, Wilmington or Newcastle may produce delay in his receiving my letter, of which it is proper you should be apprised. But as I do not recollect the whole contents of that letter, I must beg leave to devolve on you the exercise of that discretion, which it would be my right and duty to exercise, by withholding the communication of any parts of the letter, which are not directly material for the purposes of justice.

With this application, which is specific, a prompt compliance is practicable; but when the requests goes to 'copies of the orders issued in relation to Col. Burr, to the officers at Orleans, Natchez and by the secretaries of the War and Navy departments,' it seems to cover a correspondence of many months with such a variety of officers civil and military all over the U. S. as would amount to the laying open the whole executive books. I have desired the secretary at War to examine his official communications, and on a view of these we may be able to judge what can and ought to be done towards a compliance with the request. If the defendant alleges that there was any particular order which, as a cause, produced any particular act on his part, then he must know what this order was, can specify it, and a prompt answer can be given. If the object had been specified, we might then have had some guide for our conjectures as to what part of the executive records might be useful to him. But with a perfect willingness to do what is right, we are without the indications which may enable us to do it. If the researches of the secretary at War should produce any thing proper for communication and pertinent to any point we can conceive in the defence before the court, it shall be forwarded to you. I salute you with esteem and respect.

TH. JEFFERSON.

GEORGE HAY, Esq.

Some observations were made on the subject of stating more particularly the orders of which copies had been demanded; but the counsel of Col. Burr insisted that the subpoena duces tecum lately issued, had described the orders as specially as they desired.

The debate was then renewed on the point, whether Mr. Willie should be compelled to answer the question which had been propounded. Messrs. Lotts, Williams and Martin, argued very much at length that he should be excused from answering. Messrs. McRae, Hay and Wirt, delivered able speeches in support of the right and duty of the court to compel him to answer. Mr. Martin commenced his reply, but did not finish it.

WEDNESDAY, June 17.

Mr. Martin finished his speech; and was followed, by Mr. Wickham on the same side. The whole debate on this subject was highly entertaining and interesting.

Col. Burr then gave notice of a motion which he intended to make against Gen. Wilkinson, John G. Jackson, late a member of Congress from Virginia, and Harry Toulmin, a judge of the Mississippi Territory; that an attachment should be issued against them for contempt of the court in obtaining letters improperly from the post offices, and using improper practices to procure and influence witnesses for the purpose of proving him guilty of treason; and particularly, against Gen. Wilkinson, for compelling witnesses by force to come from New Orleans to Richmond.

Mr. Hay moved that this motion should be postponed until after the present trial was over; but the court declared it would be proper to hear it, even during the pendency of the trial; since the counsel for Col. Burr contended it was important to the justice of the case; it not being in the power of the court to decide, that the motion was groundless, or unimportant, until they had heard the evidence upon it.

THURSDAY, June 18.

The Chief Justice delivered the opinion of the court that Mr. Willie should be compelled to answer the question propounded to him, (for which opinion see the next Argus.) Willie was then asked whether he understood the contents of the letter in Cypher. He answered that he did not; but afterwards said he understood a part written in the Dutch language; but not the remainder; which was in cypher. He moreover gave evidence that the cyphered part was copied by Col. Burr's direction from a paper written by that gentleman; but said he knew nothing of the superscription.

Mr. Hay desired the letter to be sent to the grand jury. Col. Burr's counsel objected to this; saying, its materiality as evidence ought to appear, which could not be the case until it was decyphered; and the court so decided. The Attorney for the U. S. requested Erick Bollman to be called to decypher it; but, as he was not present, a short suspension of proceedings took place.

After some time the grand jury came into court; and Mr. John Randolph (their foreman) mentioned that they desired the letter in cypher to be sent to them; a witness, whom they were examining, having alluded to it in his testimony. The court decided that that circumstance sufficiently proved its relevancy; and directed it to be delivered to the grand jury; by whom we hope some witness will be found who is both able and willing to decypher it.

(For Friday's proceedings, see Argus Extra.)

From Sir John Doyle's Speech in the British House of Commons, on the bill for abolishing the Slave Trade.

Sir John Doyle made a most able speech in favor of the bill. When those who were interested in keeping up the slave trade told him the slaves were happy, it reminded him of a man whom he had once seen in a warren sewing up the mouth of a ferret. When he remonstrated with the man upon the cruelty of the act, the man

answered, "Lord, sir, the ferret likes it above all things." (A laugh.) It was argued that the Liverpool merchants fitted up a number of ships for this trade, that these ships were manned with seamen who were unfit for any other navigation than that of slave ships. He would suppose the case of a highwayman—(a laugh)—accustomed to stop persons upon the road, and take their money, but if I do not—well—Bagshot and his gang would. When asked why he did not get an honest livelihood, he would make the parallel more near if he should answer—"I am used to this, and would be awkward at any other; I have bought a horse, which, though a very good horse, is fit for nothing but stopping gentlemen on the highway; I have built a stable, which will hold no horse but a horse accustomed to highway robbery, and a blunderbuss that would never do execution but on such business." (A loud and continued burst of laughter.) He denied that the governors of colonies were at all qualified to give evidence of the condition of the Negroes. They were the persons in the colonies who knew least about it. He recited some shocking instances of cruelty to Negroes that had come under his own eyes. He had known the contempt of these poor creatures carried so far, that when one white man killed two Negroes belonging to another, the other would not be so ungenteel as to exact the fines due by law, but balanced the accounts genteelly by shooting two of his. Abolition of the slave trade was the only mode of securing better treatment for the blacks, and of rendering the colonies flourishing.

* This method of killing these poor creatures is not half so refined as that invented by a certain South-Carolina nabob, who rid a great number of his slaves of their existence, by feeding them with cotton seed. This is an indisputable fact.

(Vir. Mercury.)

Gen. VICTOR LEOPOLD BERTHIER, Chief of the first corps of the French army, and one of the commanders of the Legion of Honor, died at Paris, on the 24th March, after a month's illness.

SAVANNAH, (Geo.) June 6.

Extract of a letter from St. Mary's, dated May 31, received this morning by a gentleman of this city.

"We are very much agitated with an Indian alarm, which, I am really inclining to think, will cause a failure of our June court. Two Indians have been down to St. Mary's river, to a place called Trader's Hill, and killed a man of the name of Greene, in a most horrid and cruel manner. It appears that they were well fed and treated by Greene; after which he took his seat in a shade out at the door, when they both took their guns, fired through him, and cut open his bowels with their knives. His wife and children, we understand, were not molested in their escape."

* William Ashley and some others went after them two days since, if I mistake not; and last night, about 12 o'clock, an express came with orders from Gen. Floyd, ordering out our troop of horse in pursuit of the offenders, and some of the foot, if necessary require. A party of the horse, say six or eight are gone."

NORFOLK, June 15.

We have been favored with London papers of the 20th, and Liverpool of the 22d of April, received by the Isabella, captain Nutter, from the latter port; they contain but few articles of interest. The New Administration have had another contest in the House of Commons, on a motion to adopt the following resolution: "That this House, considering a firm and vigilant administration indispensable in the present posture of public affairs, has seen with the greatest regret the late change in his Majesty's Councils." On this resolution the House divided—for 193, against 244. Majority in favor of Administration 46. The late hour at which we received these papers permit us only to take a hasty view of their contents.—Ledger.

Latest Foreign Intelligence.

From papers received at the office of the Public Ledger by the ship Isabella, Capt. Nutter, 42 days from Liverpool.

LONDON, April 18.

We received this morning New York papers to the 13th ult.—The treaty with this country occupies almost exclusively the public attention. It has not been published, but some of the prominent points of it are known. It is certain that the President has declined submitting it to the Senate, and has rejected it because "there is no provision in it against impressing seamen, and because it is accompanied with a declaration on the part of the British Government, that the signature of its commissioners is not to bind it to ratify the treaty, or to restrain it from retaliating measures against the late French decree, unless it shall be previously assured by the explanations or conduct of the United States, that they will pursue a satisfactory course against the infringement of their natural rights by that decree." The rejection of the treaty has occasioned a great ferment. The President is said to have declared that in rejecting it he would put in full force the Non-Importation Act after the arrival of the period (1st of July,) to which it had been suspended.

April 20.

A mail from Denmark, the one due yesterday, arrived last night. It prepares us to expect that the next mail will bring us the important intelligence of a general battle having been fought in Poland. Both armies have been strengthening themselves by large reinforcements. The last advices from St. Petersburg mention, that the emperor and the grand duke Constantine had both set out for the army, and that a determination had been taken to give battle to the enemy.

The articles from Constantinople by the mail last night, continue to assert that our squadron has retired from Constantinople, and has quitted the Dardanelles—that the French officers employed the interval of negotiation in the construction of batteries, and that Admiral Duckworth, finding that his negotiation did not succeed, and that such a force of artillery was about to be brought to bear against him, had deemed it prudent to retreat, and leave Constantinople as he found it.

Letters from Koenigsberg of the 31st March, mention the distressing fact, that of 50,000 wounded French and Russians who were brought from the field of battle at Eylau, to the hospitals of that city, not more than 13,000 were alive at the time these letters were written.

LIVREPOOL, April 22.

French papers down to the 12th, Dutch to

the 15th, and Hamburg and Altona to the 11th have been received, and they all agree in affirming that the French head quarters continued at Overode up to the 26 inst, and that no action of consequence had occurred since the bloody and destructive battle of Eylau, but that each army had received considerable reinforcements.

The exertions Bonaparte is making to bring every soldier he can command to the army, before the recommencement of active operations, have given rise to very serious alarms. The retreat of the French army from before Stralsund may be attributed to the determination of Bonaparte to rest every thing on the fate of the grand conflict that must soon take place, satisfied that the result of the war in every other quarter must be exactly conformable to the issue of the engagements in Poland.

The letters from Altona express great apprehensions of the immediate fall of Danzig. It is true the French have no heavy cannon to batter the fortifications in form; but they had succeeded in diverting the course of a stream which supplied the town with water, and which served to turn a mill that was the means of furnishing the principal supply of flour and meal to the garrison and inhabitants. It was imagined that the distress produced by these privations would lead to a speedy surrender of this strong and important city; but letters from Elblau say the garrison has again taken possession of this stream, and that the city was relieved from danger by the seasonable arrival of 4000 Russians. These letters are said to contain intelligence from Danzig as late as the 4th inst.

The 67th and 68th bulletins contain only accounts of some unimportant skirmishes before Strasburg, previous to the march of the retreating army to join Bonaparte in Poland. In order to supply the deficiency occasioned by the total drain of the army from France, and to raise a supply for the increasing demands of the present crisis, the conscription of the year 1808, is immediately to be called out by anticipation, and trained to arms within the French frontiers. From this proceeding, some are sanguine enough to argue, that Bonaparte is tottering, and that he is compelled to exert his means to the utmost to prevent the total overthrow of his power. But we must deprecate the indulgence of such a course of argument as this. Bonaparte would make the extraordinary exertions we have adverted to, to secure his power against the possibility of a shock, as well as to recover the effects of shocks already suffered, and to prevent a total overthrow, and to one, who, while blood and devastation afford him amusement, looks upon his subjects as born on purpose to carry swords and muskets, this measure follows of course; and ought to give rise to no other reflection, than to consider the people, on that side the water, as having nothing to do with the laws but to obey them; and dutifully to submit to the will of their sovereign lord and master. It is indeed a misfortune for France or any other country to be reduced to the degrading situation of acknowledging but one will, to which the million must bow, not only submissive, but thankfully, and kiss the hand that plants thorns and briars in their path.

Every one must perceive how humbly the little great emperor talks now, who could a few months since speak of the overthrow of empires as a very easy thing; well would it be if this mighty warrior could so conceive of the blessings of peace, as to be contented with the superior rank in life to which he has raised himself, and no longer curse the world with a display of his military talents—After all the blood he has shed he may probably be able only to—*ca ch a Tartar*.

The court of Vienna has concluded a treaty, by which French troops are allowed to march through the Austrian territories, and the price they are to pay for articles of consumption regulated. This treaty confirms what we have often said, viz. that Austria would not join the war against France.

The Russian messenger, who arrived on Friday, is said to have brought the basis of a treaty of peace between France, Russia, Prussia, Great Britain and Sweden, as proposed to the court of St. Petersburg by Bonaparte. Altho' we do not give full credit to this rumor, it is not at all unlikely that such a proposition has been made on the part of the enemy; more particularly when we connect it with the most recent accounts from the continent. The long pause which has taken place in the operations of the armies; the convention said to be concluded between France and Russia for an exchange of prisoners of war; and a similar measure between France and Prussia; the late proposal made to the king of Sweden for an armistice, and Gen. Blucher's journey to Bonaparte's head quarters, by the express order of the French emperor himself; all combine to lead us to expect soon to hear something on the subject by which we may hope for at least the cessation of the shedding of human blood. Should a treaty be entered into by the present contending powers, it requires not the gift of prophecy to foresee in it the downfall of the Turkish empire.

Thirty Dollars Reward.

RUN AWAY from the subscriber, on the 15th of May last, two Negro Women, DAFNEY & MILLEY; Dafney has one of her upper fore teeth out, and a mole in the middle of her forehead, which can be easily discovered. She is a very dark negro, supposed to be about 27 years old, and was bought of Mr. John Glean of the county of New-Kent. Milley has also one of her fore teeth out, rather of a tawny color, supposed to be about 26 years old, and bought of Mr. William Burton of Hanover. I am apprehensive, the said slaves are lurking about Richmond. Whoever will deliver them to me, or secure them in any jail so that I get them again, shall receive the above reward.

WILLIAM WOMACK.
Nottoway county, June 17th, 1807. 2*

FOR SALE.

BY virtue of a deed in trust executed to the subscriber by Thomas Barksdale, to secure the payment of a debt to William Galt, will be exposed to Sale, at Public Auction, for ready money, on Monday the sixth day of July next, being Albemarle court day, at Triplett T. Estes's, Charlottesville.

A Tract of Land.

Lying in the county of Albemarle, containing one hundred and twelve acres and a half, being the same land the said Galt-Barksdale purchased of Daniel Barksdale—also two Negro Girls, Maria and Mourning, or so much of the aforesaid property as will be sufficient to discharge the debt, interest and cost aforesaid. Acting as trustee for others, will only convey title vested in me as such.

DAVID ANDERSON, Trustee,
Milton, 6th June, 1807.